

**FILED**

FEB 28 2007

DISCIPLINARY COMMISSION OF THE  
SUPREME COURT OF ARIZONA  
BY M. Smith

**BEFORE THE DISCIPLINARY COMMISSION  
OF THE SUPREME COURT OF ARIZONA**

IN THE MATTER OF A MEMBER  
OF THE STATE BAR OF ARIZONA,

**GEOFFREY N. FIEGER**  
Bar No. 006227

RESPONDENT.

No. 04-1579

**DISCIPLINARY COMMISSION  
REPORT**

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on January 12, 2007, pursuant to Rule 58, Ariz. R Sup. Ct., for consideration of the Hearing Officer's Report filed August 15, 2006, recommending censure and costs. The State Bar and Respondent each filed an objection and requested oral argument. Respondent, Respondent's Counsel and Counsel for the State Bar were present.

Respondent does not contest the Hearing Officer's findings of fact but argues that the Hearing Officer erred in concluding that Respondent violated ER 8.4(d) and in imposing censure for an isolated incident of negligence with no harm occurring to a party or the court. He also argues that the Hearing Officer erred in concluding that his use of firm letterhead, which inaccurately stated he was admitted in Arizona when in fact he was administratively suspended, constituted a violation of Rule 31(b). Respondent argues that the appropriate sanction in this case is diversion.

The State Bar argues that the Hearing Officer erred in finding Respondent's conduct was negligent rather than knowing. In addition, the State Bar asserts that the Hearing Officer erred in failing to find aggravating factors 9.22(a), (b), (c), and (g); and in finding mitigating factor 9.32(e). The State Bar further argues that the presumptive sanction in this

1 matter is suspension and urges the Commission to recommend a suspension of no less than  
2 six months.

3 The Commission may reject a Hearing Officer's finding of fact only if the  
4 Commission determines that the finding was clearly erroneous. *In the Matter of a Non-*  
5 *Member of the State Bar of Arizona, Carly Van Dox*, \_\_\_ P.3d \_\_\_, 2007 WL 518344  
6 (Ariz.). Here, the Hearing Officer found that Respondent acted negligently rather than  
7 knowingly, and the Commission concludes that such finding was not clearly erroneous.

8 **Decision**

9 The nine members of the Disciplinary Commission unanimously<sup>1</sup> adopt the Hearing  
10 Officer's findings of fact, conclusions of law, and recommendation providing for censure  
11 and costs of these disciplinary proceedings.<sup>2</sup> Respondent's Motion for Leave to File  
12 Supplemental Brief is denied as moot as the Commission did not consider *In re Olsen*, 180  
13 Ariz. 5, 881 P.2d 337 (1994).

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15 RESPECTFULLY SUBMITTED this 28<sup>th</sup> day of February, 2007.

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18 \_\_\_\_\_  
19 Barbara A. Atwood, Chair  
Disciplinary Commission

20 Original filed with the Disciplinary Clerk  
21 this 28<sup>th</sup> day of February, 2007.

22 Copy of the foregoing mailed  
23 this 28<sup>th</sup> day of February, 2007, to:  
24  
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26 <sup>1</sup> Three Commissioners withdrew their dissent based on the recent Opinion filed February 21, 2007  
in *In the Matter of Van Dox*, *supra*.

<sup>2</sup> A copy of the Hearing Officer's Report is attached as Exhibit A.

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11 by: *M. Smith*

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